THE GENIUS OF THE PEOPLE

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sons of history, would one day not only allow the buildup of an enormous military establishment, but be too timid or dishonest even to insist that it be efficient.

Then the delegates turned their attention to that ragtag bunch of civilians who served in their state militias. If some uniform standards of training and discipline were enforced, the country could have a citizens' military force to rely on rather than being solely dependent on a large standing army. (There was something wonderful in a citizens' army: If defense required their participation, and they refused to participate if a war seemed unmerited to them, that alone would provide a check on a too venturesome, or panicky, government.) Colonel Mason moved that Congress be empowered to make laws regulating the militias.

Madison suggested that the national government be entitled to appoint the general officers of the militias and the states appoint the lesser officers.

That, said Sherman, was "absolutely inadmissible." If the people were so far asleep as to allow their officers to be appointed by the national government, "every man of discernment would rouse them by sounding the alarm to

them." The people, or their local representatives, must be allowed to elect their own officers.

Gerry, evidently vibrating in every nerve, stuttered out his consternation. The convention, he said, was "pushing the experiment too far. Some people will support a plan of vigorous Government at every risk. Others of a more democratic cast will oppose it with equal determination. And a Civil war may be produced by the conflict."

But, said Madison, since the greatest danger to liberty came from a standing army, it only made sense to provide for a good militia, and to have it so organized that it could provide for the national defense – and with that argument the delegates finally agreed. They gave Congress the power to organize, arm, and discipline the militia, and to govern such parts of it as might be employed in the service of the national government. They reserved to the states the right to appoint their officers, but provided that they train the militias "according to the discipline prescribed by Congress."

And then, having provided a military force, Congress was given the ultimate power of state, the power to make war. It required little debate. The delegates could scarcely conceive where else the power to commit the blood and treasure of the nation in war could be lodged except among the direct representatives of the people and of the states.

Young Pinckney objected. He thought the proceedings of the house of representatives would be "too slow," that the house would be too numerous "for such deliberations," and that the power ought to be lodged solely in the senate. But Pinckney's colleague from South Carolina Pierce Butler thought that the same objection obtained with the senate as with the house, and that the president ought to

have the power to take the nation to war. The president, Butler was touchingly sure, would not commit the nation to war except when the nation would be content to support it.

Gerry was amazed. He had never expected "to hear in a republic," he said, "a motion to empower the Executive alone to declare war," to give to any single individual – one to whom the delegates would not even give the power to raise taxes or regulate interstate commerce – the power to put at risk thousands or millions of lives, or even the very existence of the nation.

Gerry and Madison had a more sensible suggestion to make. The house ought to be able to declare "war"; the president ought to have the power to repel "sudden attacks," though not to go on to wage war. Sherman agreed, and clarified the Madison-Gerry suggestion: "The executive should be able to repel and not to commence war."

Colonel Mason spelled out the delegates' concerns in even more detail. He was against "giving the power of war to the Executive," because he was not to be safely trusted with it. In general, said Mason, he was in favor of "clogging rather than facilitating war; but for facilitating peace." With this all the delegates could agree. And so the warmaking power was given to Congress, and to Congress was given the power to starve the military financially, to "clog" the warmaking power – should they have the courage and understanding to do so – and to keep the new nation from the habit of military ventures, which are always the death of a republic and its freedoms.

Finally, as they came to the end of their review of congressional powers, the delegates agreed to give Congress

the power "to make all laws necessary and proper for carrying into execu-

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